# GOVERNMENT OF GUAM DEPARTMENT OF LAND MANAGEMENT

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#### **GUAM LAND USE COMMISSION REGULAR MEETING MINUTES**



Department of Land Management Conference Room ITC Building, Tamuning



Thursday, February 12, 2014 1:40 p.m. to 3:30 p.m.

#### **GUAM LAND USE COMMISSION**

Thursday, February 12, 2015

## Department of Land Management Conference Room ITC Building, Tamuning

#### **MEMBERS PRESENT:**

Mr. Lawrence Rivera, Chairman

Mr. John Arroyo, Vice Chairman

Ms. Beatrice "Tricee" Limtiaco, Commissioner

Ms. Conchita Bathan, Commissioner

Mr. Andrew Park, Commissioner

Mr. Victor Cruz, Commissioner

#### ABSENT:

Mr. Michael J.B. Borja, Executive Secretary

Mr. Marvin Q. Aguilar, Chief Planner

Ms. Kristen Finney, Legal Cousel

#### **STAFF PRESENT:**

Mr. Frank Taitano, Planner IV

Ms. Celine Cruz, Planner IV

Ms. Cristina Gutierrez, Recording Secretary

# GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION

#### Aftendance Staget

Department of Land Management Conference Room 590 S. Marine Corps Drive, 3rd Floor, ITC Building, Tamuning

Date of Meeting: Thur., February 12, 2015  Time of Meeting: / 40 pm	X GLUC Regular Special Quorum No-Quorum No-Quorum No-Quorum
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John Z. Arroyo, Vice Chairman	
Conchita D. Bathan, Commissioner	- Deal
Beatrice "Tricee" P. Limtiaco, Commissioner	
Victor F. Cruz, Commissioner	
Andrew C. Park, Commissioner	
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# GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION

### **Public Attendance Record**

Location: Department of Land Management Conference Room 590 S. Marine Corps Drive, 3rd Floor, ITC Building, Tamuning

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### **GUAM LAND USE COMMISSION**

**GUAM SEASHORE PROTECTION COMMISSION** 

### Speakers Sign-In Record

Location: DLM Conference Room, 3rd Floor ITC Building

590 S. Marine Corps Drive, Tamuning

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#### **GUAM LAND USE COMMISSION REGULAR MEETING MINUTES**

Department of Land Management Conference Room, 3<sup>rd</sup> Floor ITC Thursday, February 12, 2015 • 1:40 pm to 3:30 pm

#### I. Notation of Attendance

**Chairman Rivera** called the regular meeting of the Guam Land Use Commission for Thursday, February 12, 2015 to order at 1:30 p.m., noting a quorum.

Present were: Chairman Lawrence Rivera, Vice Chairman John Arroyo, Commissioners Conchita Bathan, Tricee Limtiaco, Andrew Park and Victor Cruz, Case Planners Frank Taitano and Celine Cruz, and Recording Secretary Cristina Gutierrez.

#### II. Approval of Minutes

<u>Chairman Rivera</u> at this time, we'll go ahead with the approval of minutes which is our GLUC regular meeting of Thursday, January 22<sup>nd</sup>, 2015.

<u>Commissioner Limtiaco</u> Mr. Chair, I move that we approve the minutes of our regular meeting held Thursday, January 22<sup>nd</sup>, 2015 with any corrections or edits to be emailed to our Recording Secretary by end of business day today.

Commissioner Bathan I'll second.

<u>Chairman Rivera</u> motion for approval by Commissioner Limtiaco, second by Commissioner Bathan; all in favor of the approval of the minutes say "aye" [Chair Rivera, Vice Chair Arroyo, Commissioners Limtiaco, Bathan, Park and Cruz], all oppose say "nay."

[Motion to approve January 22, 2015 Minutes passed unanimously; 6 ayes, 0 nay]

#### III. Old or Unfinished Business

#### Zone Change

A. The Applicant, Suette Isla Development, Inc. (SIDI) represented by FC Benavente, Planners (Richard Sana); request for zone change from "A" (Agricultural) to "C" (Commercial) zone, to construct and operate a grocery store, office and commercial building on Lots 1, 2, 3 and 4, Tract 28231, in the Municipality of Yona, under Application No. 2012-18. [Continuation – GLUC hearing of July 10, 2014]

Case Planner: Celine Cruz

<u>Frank Taitano</u> at this time the case planner Ms. Celine Cruz will read the report and the additional information in reference to the concerns that the Commission had.

<u>Commissioner Bathan</u> before we proceed I have a question. Since this is a continuation does the notice to rezone does it have to be updated?

[Mr. Taitano confirmed that an updated billboard photo was submitted to Planning staff.]

<u>Celine Cruz</u> summarizes the supplementary report to include the purpose, facts, staff analysis/discussion, conclusion, recommendation and conditions. [For full content/context of the Supplement Report, please refer to Attachment A.]

[Attachment A – Supplemental Staff Report dated January 30, 2015]

**Frank Taitano** there was a concern also that the Commission in reference to the status of that, and Celine did go and do the site inspection.

Celine Cruz I did do a site inspection this morning just to verify the status of the two residential structures that were discussed at the meeting of July of last year; if there were any additional structures or any other improvements to the subdivision and, just to confirm that the residential structures are near completion. As a matter of fact when I was out there was a worker there waiting for GPA to hook to island power. They expect occupancy within about a month. There were no additional structures and no other improvements except for maybe a clearing of two other lots probably for like a lot showing. I just verified on our database today that no lots within Tract 28231 have been sold to anyone. They are still under the ownership of Suette is the development.

Commissioner Limtiaco Celine, so was it Lots 15 and 16 that we discussed last July?

Celine Cruz I don't recall.

Commissioner Limtiaco there were only two ---

Celine Cruz yes, there's only two homes.

<u>Chairman Rivera</u> questions for staff? (None noted) I recall one of the issue here was the infrastructure and the other was whether the developer met the agricultural subdivision on ... then of course we ... one of the issues whether we shall consider a conditional use and I think what staff is recommending that we go ahead and allow the commercial.

<u>Commissioner Limtiaco</u> I had one question Celine. At our last meeting which was, I think when we heard this item it was back in July, they had a significant amount of new information that the applicant submitted including a new clearing/grading, waterline distribution plan, and

other engineering plans. One of our concerns was the infrastructure. So, there's four (4) lots and combined ... there are four lots we'd like to rezone to commercial but combined it's almost an acre all together. So, in regard to the new proposed plan with the acre of commercial and everything else is still subdivision, I'm sorry, an acre of commercial and the rest to be residential. Have you reviewed the new proposed plans and (inaudible) proposed plans in line with the proposed changes?

Celine Cruz the proposed plans in terms of what was submitted as attachments?

Commissioner Limtiaco in July, last July.

<u>Celine Cruz</u> these were the plans that were approved when they had originally requested to put in the infrastructure. They were in line with the agricultural subdivision. In terms of are they in line with the commercial ... I think they're going to be ... the demands of the commercial use aren't going to be as great as a residential use for the subdivision so the demand isn't going to be as great on the infrastructure if it was commercial.

<u>Chairman Rivera</u> for the record we have a letter here from FC Benavente Planners basically indicating that there will be a new company representative. [For full content/context of the correspondence, please refer to Exhibit 1; FC Benavente, Planners correspondence dated February 1, 2015.]

Sir, please introduce yourself ---

<u>Richard Sana</u> I am representing FC Benavente and Suette Isla Development Inc. and with me is Richard Chien.

As stated by the Case Planner and this is just a continuation of the previous meeting that the Commission had and there were concerns on several things, and one of them was infrastructure to the agricultural subdivision. And to date those things have been satisfied by a letter from the Department of Public Works, then Director Carl Dominguez; they satisfied the waterline to the property and also the roadwork and also the construction of the ponding basin. At the site also there is an existing drainage swell, concrete draining swell that feeds right into that ponding basin at the site. Also the concern of the Commission was also some updates on what is going on at the property, at the project site. If I can present this to you; we took some pictures, these are very recent pictures.

[Mr. Sana continues to explain the photos displayed to include the two homes currently at the property and nearing completion, photo of the current commercial development, photo showing the trench for the concrete retaining wall for aluminum fencing, and other views of the lots at different angles; egress/ingress into the property; drainage swells.]

<u>Chairman Rivera</u> we're really glad that you presented these photos. Now we see that there are houses there, fencing area and of course, our planners were out there doing their inspections.

Any questions?

Commissioner Cruz so the trench is there those are for your fencing for the housing?

**Richard Chien** yes those are for the fence.

<u>Commissioner Cruz</u> so as you develop the other lots you are going to provide fencing on every lot. Are you going to do the same by where the commercial activity is in the lots?

Richard Chien yes.

**Commissioner Limtiaco** and you still have a septic tank and a leaching field there?

<u>Richard Chien</u> yes; we follow the agencies' requirements when we apply for the building permit, yes.

<u>Commissioner Limtiaco</u> Mr. Sana, in our July meeting, Mr. Benavente had mentioned that one of EPA's concerns was that Lot 20 needed to be dedicated as a perpetual easement for utilities. Has that been effectuated yet?

Richard Chien that's the ponding basin and that's already been done.

Commissioner Cruz but have you done the documentation?

Richard Chien it's recorded with Land Management already.

<u>Commissioner Cruz</u> as you go along this ... looking at the commercial thing, the photo. The drawing on the top left it shows actually your road. I noticed that you have a very wide right-of-way there fronting Route 17. The way the drawing is are you going to pave it as the way the drawing is?

**Richard Chien** yes, this already paved here (referring to the photo).

**Commissioner Cruz** how about the one fronting Route 17?

**Richard Chien** yeah, we will follow the requirements of the ingress/egress of Highway.

<u>Commissioner Cruz</u> another thing based on your preliminary drawing there the site development. Do you foresee changing the way the buildings are going to go?

<u>Richard Chien</u> I talked to the developer I think they are ... that's their intention to build the grocery store and then the two-storey commercial building.

**Commissioner Cruz** it's subject to change though right?

<u>Richard Chien</u> we also need to get approval from all the agencies to see if there's something there we need to change as the requirement of the agencies.

Commissioner Cruz but the does the developer intend to build it all at one time?

Richard Chien yes.

<u>Chairman Rivera</u> the intent of the commercial, of course you're going to have a grocery store there, but really it's the intention to support to kinda (sic) the subdivision further in. I mean, you have a two-storey office building next to it. I just hope that whatever you put in in the commercial building is a drug store, sundries, appropriate business to accommodate your lots there. Not like an adult book store, things of that nature. I'm just kinda looking at your proposed commercial that you're going to be kinda be obligated to your subdivision. I'm glad you really have these photos now we kinda really have a good site of it, we have a clear vision and now we see that the boonie area on the second now that is your commercial lot that you're proposing.

Richard Sana part of also the area that's being graded is part of the lot.

<u>Chairman Rivera</u> here like your drainage, your .... Everything is in place and the issue here was the infrastructure that DPW or your building permit has that. And the intent was always twenty properties and now is sixteen; convert the four to commercial, the front area.

**Richard Sana** also the ARC recommendations the list of conditions we also adhere with that.

Chairman Rivera Commissioners, any other questions?

<u>Commissioner Limtiaco</u> (undecipherable) what Bureau of Statistics and Plans had put in their original statement; and one the concerns is that the GLUC is rezoning too many agricultural lots to commercial. And I believe it's important to note here that around Route 17 there really aren't that many commercial zoned lots. I think we have got (undecipherable/inaudible) in the past, but there's the Camachile Store that's grandfathered in ---

**Frank Taitano** it has a conditional use from a long time ago.

<u>Commissioner Limtiaco</u> we consider that commercial activity right; but through Cross-Island Road there really isn't that many commercial lots. But I think here we have an opportunity to look at this residential subdivision granted it's agricultural and plan for this and nobody is

coming in later on and asking for a spot-zone. I really do appreciate the Bureau of Statistics and Plans and they put their concern in writing. But, I think in this case with the subdivision that we're looking at we do foresee the need some commercial activity and we can try to plan that ahead rather than to react later. I just wanted to bring that up because I think it's an important comment.

<u>Vice Chair Arroyo</u> I'd just like to add to that too. You mentioned in light of the subdivision that they're planning on putting up, but there are existing homes in that area that would benefit from the convenience of having a facility like that.

[Brief discussion on the various subdivisions in the area.]

<u>Frank Taitano</u> Commissioners, right across the street the Commission approved a zone change, the lot across the street, it's commercial and approved for a gas station.

Commissioner Park in their initial plan they included the gas station and later they deleted it.

Commissioner Cruz after the approval how soon does the developer plan to .....

**Richard Chien** the normal is get ready to ... finalizing (remaining comment inaudible).

<u>Richard Sana</u> I think they're pursuing also a consolidation of those four (4) lots and I think it's going to happen after the consolidation. That was the condition of the Chief Planner.

<u>Chairman Rivera</u> that's one of the condition also that the Chief Planner that prior to that you shall consolidate those four lots as a commercial rather than having four lots.

<u>Commissioner Limtiaco</u> can I ask our southern expert, resident expert here is Commissioner; may I ask Commissioner Cruz, how is the traffic in this area? Obviously, there's no sidewalks.

<u>Commissioner Cruz</u> there's a quite a lot of traffic. Basically, because you've got that subdivision back there and now that the Route 4 basically from the intersection down to Pagat Bay completed there is a lot of traffic both in the morning and in the afternoon. But, they also have the large traffic to so called Big Navy. Let me ask, how many remaining in this that's going to be residential. How many houses you anticipate you think will go up.

Richard Chien I think about ten units.

<u>Commissioner Cruz</u> so you're going to have a lot of families then living in the area right? If families comes kids, kids need bus shelter (sic). Are you willing to put up bus shelter for the kids?

Richard Chien I think so.

Commissioner Cruz yes or no?

Richard Chien yes.

**Commissioner Cruz** alright.

<u>Chairman Rivera</u> a lot of the program here, I mean it's really the First Lady's program to provide bus stop for children in need. And Vic of course is really part of that program and he always indicates that.

And then your commercial building, just remember when you build a commercial building; we want a building that is welcoming a community. You don't want a game room there, an unwanted business that would bring bad customers around the neighborhood. You want to have a drug store, sundries, things is needs that's needed within that community that's not unwanted. We always emphasize that. Once we give you a commercial zone to be honest with you you can build whatever you want there. A strip joint ... but we discourage that. I hope you consider that if we do approve the commercial.

<u>Commissioner Park</u> I like Commissioner Limtiaco's comment on the Bureau of Statistics' comments. A matter of fact I do agree with Bureau of Statistics about the promoting Dededo or Agana idea, but not in that area. I think this commercial activity will serve the public necessity. For the traffic if there are some traffic they're only passing by traffics (sic) as they don't have any commercial or development opportunities out are there.

<u>Commissioner Limtiaco</u> Mr. Chairman, may I ask ... would the Chief Planner require that the lots be consolidated?

Chairman Rivera yeah, I think that's the condition.

<u>Commissioner Cruz</u> let's ask the .... now you have four (4) lots are you guys going to consolidate?

Richard Chien yes, yes. There's a drawing already showing that.

<u>Richard Sana</u> it would be very difficult if it wasn't consolidated, and it's also the recommendation of the Planning staff.

<u>Chairman Rivera</u> let's move forward. If there's nothing further, let's move to public comment. Is there any public comment out there? If not, public comments is closed.

[No public comments – Chairman Rivera closed public comments]

Now that public comments are closed, any additional comments? If not, we'll go ahead and vote.

<u>Vice Chair Arroyo</u> I'd like to move to approve Application No. 2012-18 relative to a zone change from "A" to "C" for the applicant Suette Isla Development Inc. for the purpose of constructing and operating a grocery store and office and commercial building on Lots 1, 2, 3 and 4, Tract 28231, in the municipality of Yona; subject to the conditions setforth by the Chief Planner in his memorandum dated February 4, 2015 and those conditions setforth by the ARC. In addition to that with the applicant's consideration of installing a bus stop for the school kids who live in the area.

Commissioner Limtiaco I second.

<u>Chairman Rivera</u> motion by Vice Chair Arroyo to approve as indicated by the Chief Planner's memorandum dated February 4, 2015 and second by Commissioner Limtiaco. Any final discussion? (None noted)

All in favor of the motion to approve say "aye" [Chairman Rivera, Vice Chair Arroyo, Commissioners Limtiaco, Bathan, Park and Cruz], and all oppose say "no." [Motion to approve Application No. 2012-18 was passed unanimously; 6 ayes, 0 nay.]

<u>Chairman Rivera</u> sir, good luck on your project.

<u>Richard Sana</u> Mr. Chairman and members of the Commission and the Planning staff, thank you for your time.

Chairman Rivera moving onto new business -

#### IV. New Business

#### **Zone Change**

B. The Applicants, Ascencio R. and Leticia C. Vicente; request for a zone change from "R2" (Multi-family dwelling) to "C" (Commercial) for the proposed construction of a two-storey concrete commercial building on Lot 2146-1-A-3-1, in the Municipality of Tamuning, under Application No. 2014-12.

Case Planner: Frank Taitano

<u>Frank Taitano</u> summarizes the staff report to include purpose, facts, public hearing results, staff analysis/discussion, conclusion, recommendation and conditions. [For full content/context of the staff report, please refer to Attachment B.]

[Attachment B – Staff Report dated January 30, 2015]

<u>Commissioner Cruz</u> can I just ask a question real quick as you continue ... you keep mentioning Guam Tire. Is Guam Tire or Pacific Tyre?

<u>Frank Taitano</u> no, the individual who made that comment made reference to the area behind Guam Tire.

#### [Mr. Taitano continues with his report.]

<u>Chairman Rivera</u> thank you Frank. Well, I'm glad you spoke up at that public hearing when the issue of the Vice Mayor saying that we don't allow public comment; we do. As a matter fact at that time I guess when they were here it was really closed. We allow them to submit documents and things like that and he wants to speak. We welcome public comments, I swear. Even if it's closed, if there's public comments there are people here and demands to speak with us .... I'm glad you informed them that there's procedural issues.

<u>Frank Taitano</u> in fact after the meeting, we started talking to the Mayor and Vice Mayor and I informed them that it don't matter if the Mayor is there for just ... as a participant, the Commission always recognizes the Mayor even if the Mayor is not there to participate in the application. He is recognized as an official who is in attendance of their official ....

Commissioner Limtiaco Mr. Chair, so that it's in our official minutes since we bring this up. If my memory is correct, I believe that the Vice Mayor of Tamuning had attended one of the hearings in regard to a lot that was up for rezoning off of Governor Camacho Road, Camp Watkins. I think at that time, public comments had already been vetted and closed several times and some community members still wanted to hear ... to be able to give public testimony after the public comment had been closed. I think if we're following our due process, following our rules we would stick to that. It also applies to the Mayors' office. This Commission, like Mr. Taitano had said, we give a lot of deference to the (inaudible) MPC and as a member of the MPC; the Vice Mayor's comments could certainly put in a letter to which this Commission will also attach regardless of whether or not the public comments were closed.

<u>Vice Chair Arroyo</u> I just want to add to that too. I think we recollect the situation where he was here, and he was allowed to speak. If he is referring another instance where he was in front the Commission during a hearing and was refused to speak, then I think it behooves him. In fact if you'd like to follow up with him, see if he would submit something to us letting us know what hearing he was at, the date that it occurred and we can respond properly to his comments. If he was referring to that one particular time, then he's incorrect because I do remember he was allowed to speak.

<u>Commissioner Limtiaco</u> I have a technical question. In the Mayor's letter, the Mayor/MPC letter, the Mayor says something about ... last paragraph, at this time we have no objections to the application for a zone change and trust that as a result of zone change we will experience improvement in the narrow roadway and current traffic conditions. The Bureau of Statistics and

Plans they state that Paz Street is a 60-foot wide access easement. Looking for a map that is required, a certified registered map that is required for the application, I see that the applicant had submitted a retracement map, but it's not noted as having been recorded. But anyway that's another issue. But it says the access is 40-foot wide.

Frank Taitano it's not 60, it's 40-feet.

Commissioner Limtiaco on the as is paved access ....

Frank Taitano 40-foot access .... two lanes.

Vice Chair Arroyo do you know Frank if this is on DPW's list of roads to be improved?

Frank Taitano no; but, it does need attention.

<u>Chairman Rivera</u> Commissioners, you know this road right? You go straight in here, here's ... there is a speed bump there and goes all the way back to the end.

<u>Frank Taitano</u> it goes all the way back to the back entrance to the parking lot of GPO that leads you right out to the theaters, and right across is an apartment complex.

<u>Commissioner Cruz</u> actually if you look where they developed the GPO at the back I think what they did they built it all the way up to the existing road, it's more than 40-feet road except of the left side where there is a shoulder.

<u>Chairman Rivera</u> you know the comments and the public comments there about the safety and traffic and the Mayor has put up a speed bump. It just appears that it's a Mayor's issue to kind of result and you can't really fault the owners who have no control over that.

<u>Frank Taitano</u> in my opinion, primarily the reason for a lot of those (inaudible due to excessive noise) coming in, they're basically coming in from Farenholt and then they go through Dungca's basically come in through there because a lot of times this intersection here just couldn't accommodate them from coming in so they take that shortcut.

**Chairman Rivera** there's other entrance to this property other than area.

<u>Commissioner Bathan</u> Frank, based on the submitted application is there a comparison on the required parking and how many, I know there's a number of parking stalls that they will provide, but compare this with the required number of parking for their development. The reason why I'm asking is I know this area is quite a busy area and it's right next to GPO, and I'm pretty sure that the easements, the sidewalks are going to used as overflow parking. I just want to make sure that ....

Commissioner Cruz I don't there's a sidewalk.

Commissioner Bathan it's like a shoulder.

Frank Taitano there is a shoulder.

<u>Commissioner Bathan</u> how many excess parking do they provide on their development compared to what's required because I didn't see that in the report.

<u>Frank Taitano</u> basically what the applicant is saying is that the parking in the site plan is there's.

[Discussion on parking requirements continues for a brief moment.]

**Commissioner Cruz** what is the parking requirement for (undecipherable).

<u>Frank Taitano</u> it's three for every four employees and one for every 400 square feet of public space. Based on what is being proposed and most of the square footage that the office is going to be utilized by the engineering (undecipherable) for storage and employee use. According to the applicant a lot of their activities are conducted off-site.

[Commissioners discuss amongst themselves parking requirement calculations.]

<u>Chairman Rivera</u> if there's no questions for staff, let's hear from the applicant. Please introduce yourself for the record and we'll just have some questions.

<u>Ascencio Vicente</u> I present Engineering Partners and I also own the lot behind GPO which is the 2146-1-A-3-1. I also own Engineering Partners and the purpose of my request for rezoning is to relocate my office which is right now at Hornet Sporting Goods building. As mentioned by Planning Staff, we had a public hearing on October 28<sup>th</sup> and we have the support from the Mayor on January 9<sup>th</sup>. I'm here today to ask for your help so hopefully I can get an approval for the zoning. In the twenty years, twenty-five years that I've been having the office I've been moving around.

<u>Chairman Rivera</u> and your intent is to have your ... it's an engineering firm company, family owned firm. I guess if you can answer the question that Commissioner Bathan is asking with the parking area. We see your site plan and of course you have handicap parking, there's a total of twelve parking even bicycle parking. Would this include your employee parking?

Ascencio Vicente currently I have six employees.

Commissioner Limtiaco including yourself?

<u>Ascencio Vicente</u> yes and that would require just nine or eight. For the current zoning, I believe it's required to have one parking per unit, and for the area of my property that would be able to accommodate like six units in there.

<u>Chairman Rivera</u> so you're within the requirement. We're just trying to figure out whether the parking that you're proposing is sufficient based on the requirement. We're doing our math here, we're not engineers, you're the engineer. Based on the law and the size ... you say six and then there's twelve. We just want to make sure there's ample parking.

Commissioner Limtiaco what is your proposed area of your building?

<u>Ascencio Vicente</u> approximately about .... first floor and second floor 1,500 each so it's about 3,000 square feet.

<u>Vice Chair Arroyo</u> I think your parking problem will actually be reversed of you not having enough for your employees. I think you'll probably be ending up chasing people away from your parking lot.

<u>Ascencio Vicente</u> it could be possible because right now GPO is going to the extent of having a security guard watching who's parking where.

<u>Vice Chair Arroyo</u> especially at night, is the building going to be vacant at night? There's nobody staying at the building?

Ascencio Vicente no, nobody.

Commissioner Bathan will it be a gated facility?

<u>Ascencio Vicente</u> yeah, that's what I intend to do because of the parking. I intend to remove all those overgrown vegetation there and replace it with semi-concrete fence with grills. It's going to make the traffic view from either side they have a better view of the traffic coming in.

<u>Chairman Rivera</u> there's other entrance to the back that you can enter to your property right not necessarily that same ... in otherwords, there's an alternate road, entrance.

<u>Ascencio Vicente</u> there's three ways to get into the property; one is from the Mayor's Office, the other one is from Chuckee Cheese side and the other one is going back to the Dungca area there.

<u>Commissioner Cruz</u> my question for you is this drawing that you have where is the existing building you're going to demolish?

Ascencio Vicente actually it's sitting right now where I'm going to have it.

Commissioner Cruz is it sitting on the proposed two-storey?

Ascencio Vicente yeah; it's semi-concrete and it's all falling apart.

<u>Commissioner Cruz</u> so it is sitting on the proposed two-storey (Mr. Vicente responds "yes."). Where are you going to have your parking lot? What's in there?

<u>Ascencio Vicente</u> (shows the Commission a photo of where the existing structure is located). This is the existing semi-concrete (unable to decipher remaining comments).

<u>Commissioner Limitaco</u> and the other concrete structure, the existing house; your proposal is to keep the existing house. This is your residence?

**Ascencio Vicente** no, this is not my residence.

Commissioner Limtiaco you want to keep the existing house within the lot?

Ascencio Vicente yes.

Commissioner Cruz what is the use?

Ascencio Vicente I intend to keep it as an office; because now it's just rotting away.

Commissioner Cruz what is the current use now.

<u>Ascencio Vicente</u> somebody was living there when I first applied and then he just abandoned it.

<u>Commissioner Cruz</u> is this two storey or one storey. (Mr. Vicente responds one storey) What is the use now?

Ascencio Vicente two-bedroom unit apartment; one family dwelling.

Commissioner Cruz so it's one family dwelling. (Mr. Vicente responds "yes.")

Commissioner Bathan it doesn't matter because he's rezoning the whole lot.

<u>Commissioner Cruz</u> yeah I understand that...just one more. What are you going to use this building for?

Ascencio Vicente I intend to use it as part of the office.

Commissioner Limitaco what is the area of the existing building?

Ascencio Vicente it's a little less than 800 square feet; it's two bedroom.

[Commission discusses briefly on the parking requirement/calculation of how many stalls are needed.]

<u>Commissioner Limtiaco</u> as far as a rezone goes behind GPO; this is also where all the containers come in for ROSS.

<u>Commissioner Park</u> our consideration for parking lot is not important now because once we rezone it, you know, he may sell it next day and somebody will do a karaoke bar or you know whatsoever allowed in commercial zone, we don't have any control over that. The parking lot will be determined by the use at the time of actual construction.

Chairman Rivera you heard me the last time from the last application that once we do commercial you can do anything as you please, and we trust you. I think your intent is good. You want to move your family into your property and build an engineering firm and that's all. Right now it's an R2 and if you have a multi-family building there you have apartments there the use of the infrastructure the water, it's going to be more than your proposed office. More open space, less use of the infrastructure and things like that. Mr. Park is right. Once we give you your commercial you can change your mind. But, we go back to this applicant and we base ourself based on your true needs and we believe you and trust you. The area is kind of small and we want to make sure that there's ample parking that's provided not only for your employee but your customers. Understanding that most of your client are off premise. That's where we're coming from.

<u>Commissioner Park</u> so I think our consideration for a zone change is not for the proposed purpose, but we have to consider all kind of aspect. Then even when we give them zone change to "C" and they ... I mean, there was a massage parlor before to this location and near Bank of Hawaii Tamuning branch somewhere there. That business closed their operation because it did not warrant public necessity. We cannot control everything, but generally we need to see what will happen if we change the zone.

<u>Commissioner Limtiaco</u> Mr. Taitano, what I didn't see in this application is any lots that have been rezoned since this really old zoning map was put together. So, if I'm looking at the 500-foot radius map and this is the zoning map, I see that the subject lot it's adjacent to a C-zone lot as it is. Are any other adjacent lots or nearby lots within this 500-foot radius, have any other lots been rezoned to the best of your knowledge?

Frank Taitano no.

<u>Commissioner Limitaco</u> because it sure seems really commercial especially that little thing here.

Frank Taitano right there where that road sort of a "Y" out; there's a store there, a little store.

<u>Commissioner Limtiaco</u> technically it's an R2 ... that store is an R2, technically it's an R2 according to this map.

<u>Frank Taitano</u> I think the commercial zone extends out to (unable to decipher remaining conversation due to excessive noise).

Celine Cruz that was A&A Jeans before they moved over by Sagua.

Commissioner Park I think this location is good for office, and if this project will be completed the area will become cleaner and much better and will contribute to the beautification in the area. But, I don't think that will happen if someone open a grocery store or other thing. I really want his purpose. In such a case, and then also as I mentioned before, I like the idea of ABC board. They are restricting the number of alcohol license in Tamuning, Tumon and Agana, I believe because of the crime and all that related with alcohol. In this case, I like the concept of limited commercial or conditional use permit or something like that.

<u>Chairman Rivera</u> I agree and the Mayor supports it and I'm glad that you got the Mayor's input on this and that's always been our request that the Mayor ... not only that they're there at the public hearing. They talk about congestion, traffic and it's different if it was a mom and pop store and things like that but this is an engineering firm with six employees. I don't think they're going to be lining up to get a design or anything like that. Traffic is always there and we can't fault the neighbors in the area. I don't see a problem with it.

Commissioner Cruz your firm, what type of engineering services do you provide?

Ascencio Vicente electrical.

**Commissioner Park** this is requested for zone change right?

Chairman Rivera from R2 to C.

Commissioner Park can we amend it to ... can we approve limited C.

<u>Chairman Rivera</u> limited commercial has not really been defined. To be honest with you Mr. Park, we discussed this. Legal comes right back to us and says you can do it, but here's your guideline, commercial. But then we need to like categorize this.

Commissioner Park why should we categorize? We just approve what they want.

<u>Commissioner Limtiaco</u> I think ... what I understood, my understanding of what the Attorney General had said, Counsel here, was that we can (inaudible) limited commercial but it doesn't

have a definition. So, if we wanted to put any conditions right now we should use what we have right now which would be commercial use because there is no definition in the Code.

<u>Commissioner Park</u> then can we convert it to a conditional use permit instead of a zone change.

Commissioner Limtiaco we've done it before, it's more restricted.

Commissioner Park because we are approving as per their request.

[Lengthy discussion continues on the possibility of changing the applicant's request for a zone change to conditional use.]

<u>Chairman Rivera</u> when we impose conditional use is when ... for example Mr. Park if it's a mom and store where we feel it's not right to have. Then the neighbors around don't want it, they don't want this business here, the Mayor doesn't support it. Then we say hey, we will allow you to do this but conditional use; you shall not do this, you shall fence it in.

Commissioner Park I'm just debating ---

Chairman Rivera for me I feel that because the proposed business that's going to be there would not attract ... it's not a mom and pop store, it's not a commercial building that anytime they can place anything in there that they want, they're not really sure what they want to do with this property they just want to do commercial. The intention of the applicant in this case is an engineering company. It's like per say or a small business with six employees, and I know we discussed about parking and I don't see a problem. That's my opinion. I don't see a problem granting them this commercial. I felt that the applicant and the owner in good faith is going to build his engineering firm there, with six employees there. Parking should be sufficient; it's going to improve the area. It's an R2 and he could have easily built apartment units where it would cost more problems with parking, use more of the infrastructure; there would be people living there instead of him and his six employees. I don't have a problem with it. Yes, we can do conditional use like you said, but the area is a mixed use; you have commercial, you have R2.

<u>Commissioner Park</u> I'm not proposing ... because the location is there and then that's why I considered the previous massage parlor. How much are approximately are you going to invest for this office building.

**Ascencio Vicente** it's a 3,000 square foot; you're looking at \$100.00 per square foot.

[Brief discussion on the location of the project site and other commercial activities within the same area.]

<u>Chairman Rivera</u> any other questions? If not, let's open for public comment. Is there any public comment out there? If not, public comments is closed.

<u>Public Comment</u> [no public comments noted; and therefore, public comments was were closed]

Chairman Rivera any additional comments/discussion? (None)

<u>Commissioner Bathan</u> I'll make a motion to approve the request for a zone change from R2 to commercial to construction and occupy a two-storey office building on Lot 2146-1-A-3-1, in the municipality of Tamuning, under Application No. 2014-12 subject to the recommendation of the Chief Planner.

Commissioner Limtiaco I second.

<u>Chairman Rivera</u> motion for approval by Commissioner Bathan, second by Commissioner Limtiaco. Any discussion? If not, we'll go ahead and vote. All in favor of the motion to approve say "aye" [Chairman Rivera, Vice Chair Arroyo, Commissioners Bathan, Limtiaco, Park and Cruz], all oppose say "nay."

[Motion to approve Application No. 2014-12 was passed unanimously; 6 ayes, 0 nay]

Next item on the agenda -

#### V. Administrative and Miscellaneous Matters

<u>Chairman Rivera</u> I just want to discuss on that administrative matter is we're back to that limited term on commercial zone, and I'm glad we brought this up again. I know the last time Tricee was supposed to do some sort of research and stuff and get back to us and John and things like that so we can know where we're at. So we can move forward. Because we really need to ....

Commissioner Limtiaco I did have a memorandum that I put together comparing the different jurisdictions. This is a big issue. As I looked at this, if we can define limited commercial, once we define limited commercial its seems like commercial is just so wide open with the definition and the conditional uses for it. It's one of those slippery slopes where I think we really have to put a very broad definition on limited commercial, and then just basically put the conditional uses similar to how the current zoning is now. Otherwise, it's kind of like when you get new upholstery for a really old car it doesn't quite match. It doesn't fit right. As far as limited commercial types of restrictions for limited commercial there is no conclusion that they came to because each jurisdiction looks at this so (undecipherable). And in one jurisdiction in Texas they have like four different picks of limited commercial. And for this Commission, we can see that. Mr. Park just talked about an office space within a neighborhood, and then they have areas

where you have different types of services, customers for limited commercial and they have five corresponding commercial picks. So, it's really difficult. It's going to be really difficult to put together and this is where I think we need to work with our AG.

<u>Commissioner Cruz</u> on that matter I'd just like to add on. As we discussed the limited term do you see the current application having to be changed to limited commercial activity or are we just going to maintain the existing.

<u>Frank Taitano</u> like Commissioner Limtiaco said, once the Commission defines a cap based on the results of its investigation into other municipal areas that has limited commercial, then one of the requirement is to prepare the necessary documentation.

<u>Commissioner Cruz</u> that was one thing I was thinking of because you know if an individual come up and you know you give consultation with they can basically .... for example, like the one we just approved where it's an agriculture zone and everything. And sooner or later that area would ended up (sic) being both side of the streets are going to be commercial whether we like it or not. We're looking at more like going into the villages and that would be type of application that I would like to see and everything.

<u>Frank Taitano</u> in line with Commissioner Limtiaco's findings in reference to different districts; some districts have more than one definition of what limited commercial is; considering also that when you look at areas such as municipalities in the south, the north and Tamuning, especially when you compare, it just requires a different set of standards. Those standards are the ones that has to be, I guess, discussed very, very final and by consent, agree that we only apply it to....you're going to have a lot of, not opposition, but you're going to have input from the stakeholders which is the community because a lot of them will say why do you allow it in Tamuning and you don't want to allow it in Dededo or Sinajana.

<u>Commissioner Limtiaco</u> Mr. Taitano, I think that is the case where this Commission will rely more heavily on feedback of (undecipherable). That could be a safety net for us of sorts. We understand the type of issues that Dededo has and the type of issues that Yona has, they might be different.

<u>Commissioner Cruz</u> for me, if you come to the village of Yona for instance and it's an urban; especially if where there is urban development where supposedly they master plan. Then we can basically say well, if you build a mom and pop store there then rather than giving you a total commercial zone right, and then to help them through also with their financing is that I would rather a limited versus conditional use.

<u>Vice Chair Arroyo</u> I think what we probably need to do is put together a timeline to move forward on this. There was one applicant that we did a conditional use, they applied for commercial and we said come back, and we gave a two-year timeframe; come back and we'll have limited commercial in place by then; was committed to going in that direction with him.

Tricee, if you say that this looks like it's going to be a much bigger exercise then we anticipated, then I think we probably should put together a timeline, complete with a list of tasks that need to get done. Even if it means working concurrently with the Planning Division on drafting a new application so that when we're ready to present to the Legislature, we have a complete package. And if they say yes, we're all good to go, and we do this right of the starting blocks.

<u>Commissioner Limtiaco</u> I do think we really do need our legal counsel here when we look at the application limited commercial (inaudible).

<u>Vice Chair Arroyo</u> Mr. Chairman, I think if we could ask Tricee to share the information that she has with us as well as legal counsel, and then for our agenda for our next meeting, for legal counsel's presence, we discussed this and then kind of put together a skeleton of where we want to go and things we can do from there.

**Commissioner Limtiaco** and speaking of the next meeting I won't be here.

<u>Commissioner Park</u> I think the role of legal counsel is just to interpret the law; to guide us, a lot of the time I get lost.

[Note: Commissioner Bathan leaves the meeting @3:20 p.m.]

<u>Chairman Rivera</u> like the Vice Chair said we kind of need to move forward. Anything you have just kinda give it to us and then if you're not here, but make sure we can work something out with legal here in this meeting.

Frank Taitano I think the Chief also did some research.

<u>Commissioner Limtiaco</u> I've sent the Chief Planner several excerpts of limited commercial from several jurisdictions, and so he and I have been corresponding on this.

<u>Commissioner Cruz</u> once we basically send it out and sorta go through it section by section and then we work with legal counsel and do act on this on our own. You know some people I speak to after telling them put this together (sic); I think we can act on our own rather than going down to the Legislature. I ask them and hey you guys got the power and that's what she said just make sure it falls within the parameters of whatever the commercial is and you're taking the conditional use and basically putting it all together and maybe we won't have to be hearing anymore conditional use anymore.

<u>Commissioner Limtiaco</u> that's a good point, I can see that happening for commercial would be simply be commercial with no conditions. Whereas a limited commercial we can actually tact conditions.

Commissioner Cruz it also protects the community. Mr. Park likes to say that once we approved all this commercial zone there's no holding back on this guy to turn around and say, hey now I gotta piece of property, now I can go out to the open market and everything. One of the thing (sic) that we got to make sure and I hope we can imply it on the applicants is that when you come in for commercial zone whether whatever it is show us what your proposal is. For me, if a guy comes with just a property map and says I want it commercial, sayonara my friend...because then I can probably guess what it is your intention is. Should anything should happen for example like John said the banks' biggest interest is that they will be able to protect their interest should there be a default. And if it's a limited zone then whoever ... if the financial institution should decide to let it out in the market whoever the buyer is knows what the limitations of that property.

<u>Chairman Rivera</u> remember we discussed on the conditional use of financing where the bank might say well you're not really approved you're only a conditional use.

<u>Commissioner Park</u> you know I mentioned conditional use permit with indefinite period. That is same as limited commercial. A financial institute will consider heavily on that indefinite period.

<u>Vice Chair Arroyo</u> the problem with that Andrew ... there are still qualifications even though it's indefinite they can still violate whatever conditions. And if they violate, we have the ability to (inaudible) ....

<u>Chairman Rivera</u> I know that Tricee has been talking to Marvin. Okay real quick, the resolution, the Chamorro Land Trust resolution. Marvin gave us a draft Land Use Commission resolution about the master plan. We looked it over and Tricee kinda polished and kinda put something in basically saying that we still are the ultimate control as far as approving maps. I don't know if Marvin gave you those copies.

Commissioner Park he's supposed to give that to us today.

<u>Chairman Rivera</u> okay, so it's an I.O.U. What we can do is ask Marvin to send us an email. We are going to send it to everybody take a look at it. There's minor change, but I think the bottom line is the Chair and Vice Chair of this Commission still has the ultimate responsible for approving maps, and we want a report on the master plan, where you're at and to just make that the Planning Division responsibility as far as Land Management is not hampered by the work that they're doing for the Chamorro Land Trust. I'm going to have Marvin to email everyone. Take a look at that and at our next meeting, we will adopt it. I don't want to drag this any longer because Chamorro Land Trust really needs them to move forward and have a master plan in the works.

Commissioner Limtiaco did you review what was changed?

<u>Chairman Rivera</u> yes, it looks great. And at the bottom it says it'S still our responsibility, the Land Use Commission is the final to approve any map; the Chair or the Vice Chair will be the final signature. The resolution is good we just want to make sure we still have some control.

The next item on the agenda ---

#### VI. Adjournment

Commissioner Cruz I move to adjourn.

Commissioner Limtiaco I second.

<u>Chairman Rivera</u> motion on the floor to adjourn; all in favor say "aye" [Chair Rivera, Vice Chair Arroyo, Commissioners Cruz, Limtiaco and Park.]

The regular meeting of the Guam Land Use Commission for Thursday, February 12, 2015 was adjourned at 3:30 p.m.

Approved by:

Lawrence S. Rivera, Chairman Guam Land Use Commission Transcribed by:

M. Cristina Gutierrez, Pro Tem

Planning Division, DLM

Date approved: Feb. 76, 7015

#### **GUAM LAND USE COMMISSION**



Chairman Lawrence S. Rivera Vice Chairman John Z. Arroyo Commissioner Conchita D. Bathan Commissioner Tricee P. Limtiaco Commissioner Victor F. Cruz Commissioner Andrew C. Park Commissioner (Vacant)

Michael J.B. Borja, Executive Secretary Kristan Finney, Assistant Attorney General

### **AGENDA**

# Regular Meeting Thursday, February 12, 2015 1:30 p.m.

Department of Land Management Conference Room 590 S. Marine Corps Drive, 3<sup>rd</sup> Floor, ITC Building, Tamuning

Notation of Attendance	[ ] Quorum	[ ] No Quorum
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- II. Approval of Minutes
  - GLUC Regular Meeting of Thursday, January 22, 2015
- III. Old or Unfinished Business

#### **Zone Change**

A. The Applicant, Suette Isla Development, Inc. (SIDI) represented by FC Benavente, Planners; request for a zone change from "A" (Rural) to "C" (Commercial) zone to construct and operate a grocery store and office/commercial building on Lots 1, 2, 3, & 4, Tract 28231, in the Municipality of Yona, under Application No. 2012-18. [Continuation: GLUC – July 10, 2014] Case Planner: Celine Cruz

#### IV. New Business

#### **Zone Change**

- B. The Applicants, Ascencio R. and Leticia C. Vicente; request for a zone change from "R2" (Multi Family Dwelling) to "C" (Commercial) zone for the proposed construction of a two-storey concrete commercial building on Lot 2146-1-A-3-1, in the Municipality of Tamuning, under Application No. 2014-12.

  Case Planner: Frank Taitano
- V. Administrative and Miscellaneous Matters
- VI. Adjournment



## ATTACHMENT A DIPÅTTAMENTON MINANEHAN TÅNO'

(Department of Land Management) **GUBETNAMENTON GUAHAN**(Government of Guam)



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

> Mailing Address: P.O. Box 2950 Hagåtña, GU 96932

Website: http://dlm.guam.gov EDDIE BAZA CALVO Governor

RAY TENORIO Lieutenant Governor

#### **February 4, 2015**

#### **MEMORANDUM**

TO:

Chairman, Guam Land Use Commission

FROM:

Guam Chief Planner

SUBJECT:

Supplementary Report – Application No. 2012-18

Zone Change Application from "A" to "C" for a grocery store and office/commercial building on Lots 1, 2, 3, and 4, Tract 28231,

Municipality of Yona

1. <u>PURPOSE</u>: To provide analysis of supplemental information received by the commission from the applicants' representative at its regular meeting of July 10, 2014.

E-mail Address: dlmdir@land.guam.gov

#### 2. FACTS:

- a. <u>Application Summary.</u> The applicant, Suette Isla Development Inc., represented by FC Benavente, Planners, submitted a zone change application (2012-18) to allow for the construction of a proposed commercial building for a grocery store and office spaces to be located on Lots 1, 2, 3, and 4, Tract 28231, Municipality of Yona, Guam.
- b. Application 2012-18 was reviewed by the Guam Land Use Commission (GLUC) on July 10, 2014; however, the Application was **tabled** by the Commission to allow planning staff to review supplemental information provided by the applicant's representative.
- c. On October 23, 2014, planning staff received a letter dated October 20, 2014 from the Director of Department of Public Works regarding Building Permit No. B10000977 (provided as attachment). The intent of the letter was to certify that the infrastructure construction complied with the referenced building permit; satisfying concerns on the matter as raised by the Commission on July 10, 2014.



Facsimile: 671-649-5383



**Continuation of Memorandum** 

RE: Supplementary Staff Report – Application No. 2012-18

GLUC Meeting of: February 11, 2015

Date of Preparation of Supplementary Staff Report: February 3, 2015

Page 2 of 2

- 3. <u>DISCUSSION and ANALYSIS:</u> Notwithstanding our general position to encourage non-residential development along major routed roadways, our staff report dated July 2, 2013 maintained a guarded position against recommending approval. This position was based on the lack of understanding at time of the relationship between the proposed commercial area and remaining residential subdivision. Viable development for either land use rests in availability of infrastructure. Thus, the basis for tabling the request was to allow staff the opportunity to review new information critical to the Commission's concern regarding consistency if not relative connectivity with focus on infrastructure development, more so as the initiative to include commercial uses to four of the 19 residential lot appear as an afterthought. As a result of supplemental information provided and actions taken based on discussion provided at the GLUC meeting of July 10, 2014, the concerns that the developer has not adhered to the intent of the original subdivision have been responded to in the discussion and as well further asserted through documents submitted to the Commission on July 10, 2014, and the letter from DPW dated October 20, 2014.
- 4. <u>CONCLUSION:</u> At this time, we find that the application is complete and contains all requested information/data; and therefore, meets the requirements of the zone change criteria as cited in the Zoning Law. We find it proper that it be considered favorably by the Guam Land Use Commission.
- **5. RECOMMENDATION:** We recommend **APPROVAL** with the following conditions:
  - a. That the applicant adhere to the ARC conditions as stated in their official position statements; and
  - b. Lots 1, 2, 3, and 4, Tract 28231, in the municipality of Yona are consolidated prior to the issuance of any building permits.

Marvin Q. Aguilar Guam Chief Planner

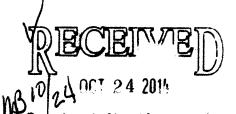
ATTACHMENT – DPW Letter dated October 20, 2014 RE: DPW Building Permit No. B10000977

Case Planner: Celine Cruz



The Honorable Eddie Baza Calvo Governor

The Honorable Ray Tenorio Lieutenant Governor





Carl V. Dominguez
Director
Jessie B. Palican
Deputy Director

October 20, 2014

To:

Director, Department of Land Management

From:

Director

Subject:

DPW Building Permit No. B10000977

Hafa Adai!

This is to certify that the Department of Public Works (DPW) inspected the infrastructure construction (water line, road work and ponding basin installation) on Tract 28231, Yona, Guam, constructed by Suette Isla Development, Inc., and found that it complied with the requirements of DPW Building Permit No. B10000977 (copy attached).

Please contact me if you have any questions.

Sincerely,

Carl Dominguez







OFFICE OF BUILDING PERMITS & INSPECTION

#### **TERRITORY OF GUAM**

# **BUILDING PERMIT**

		DATE: <b>Jan. 0</b>	7, 2011	PERMIT NO.	:
APPLICANT:	Suette Isla Develop	ment, Inc. CONT	TRACTORS LI	CENSE NO: _	CLB10-0604
ADDRESS: _	P.O. Box 10209 T	amuning, GU 96	931		
PERMIT TO:	Construction	( ) STORY PRO	POSED USE:	nfrastructi	NO UNITS:
	Josephina Flores R	,			TRICT: A
	31 LOT:				
	MENSIONS:				
	USE GROUP: Mater / Road work.				ION:
	LUME: COS			PERMIT FEE:	\$ 1,542.75
ADDRESS: P	2.O. Box 10209 Camuning, GU 96931			$\sim$	4
	·	BUILE	DING OFFICIAL	-#·	3 Q. Ninete, Sr.

BUILDING PERMIT SHALL EXPIRE IF THE WORK AUTHORIZED IS NOT COMMENCED WITHIN T HREE (3) MONTHS OR IS SUSPENDED OR ABANDONED FOR A PERIOD OF THREE (3) MONTHS AFTER WORK HAS BEEN COMMENCED.

CG008-100P10 BUILDING PERMITS & INSPECTION SECTION APPLICATION FOR PERMIT & PLAN REVIEW Application Number IMPORTANT Applicant must complete all items in sections | II/III/IV Permit Number: <u>81000</u> LOCATION OF BUILDING DOAD OSEPHINA FLORES Zoning Distric Batween tour (Cross Street) Subdivision Block TYPE AND COST OF BUILDING A. Type of Building Type of Construction Foundation New Building Retaining Wall Repair Other WHTCK Foundation Only Demolished Shell Only Add Reconstructed Dimension of Building Fence Wall Alter Relocated B. Ownership Private (individual scorporation non-profit institution; etc.) Public (Federal, State or Local Government) c. cost Nonresidential - Describe in detail proposed use of buildings e.g. food processing plant machine\_shop: laundry\_building=at\_hospital; elementary; school =secondary; school =college; parochial school, parking garage for department store rental office building office building at industrial plant. If use of existing building is being practice, enter proposed use. Cost of Improvements electrical . . . plumbing . heating, air conditioning other (elevator, etc.). TOTAL COST OF IMPROVEMENT \$ D: PROPOSED USE -- (For "Wrecking" most recent use) Residential Non-Residential Office bank professional One family Amusement Recreational Public utility Two or more families Garage Church, other religious School, library, other educational Enter No. of Units → Carport // Industrial Stores mercantile Other (specify) Transient hotel motel Parking garage ☐ Fanks: towers or domitory Service station, repair garage Other (specify) Enter No. of Units 🗃 Hospital, institutional SELECTED CHARACTERISTICS OF BUILDING for new buildings, and additions, complete Parts E ~ K, for wrecking, complete only Part I, for all E: Principal Type of Frame F. Type of Sewage Disposal G. Type of Mechanical Masonry (wall bearing) Reinforced concrete Public Sewer Central Air Conditioning Mood frame Other (specify) Private (septic tank, etc.) Structural steel Will there be an elevator? H. Type of Water Supply J. Number of Off-street K. Residential Buildings Only Total square feet of floor area. Public Supply Parking Spaces all floors; based on Number of bedrooms Private (well, cistern) exterior dimensions Number of Dimensions Bathrooms Number of stories IDENTIFICATION Print Name / Signature Mailing Address - Number, street, city and state ZIP Code Telephone

### TO BE FILLED OUT BY BUILDING PERMIT STAFF ONLY

	Date Plans Started	Date Plans Approved	Comments
Architectural			
	## 1	A Company of the Comp	
Structural:		47	
P. Commission of the Commissio	### 1	W. 10 - 1	
Mechanical/Plumbing			
Flood Control			
Electrical			
HPCC			
Hydraulics/Civil			
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Highway Encroachment	DEC 2 7 2010	DEC 2 7 2010	COMPLY HIGHWAY ENCROACH HENT PERMIT PRIOR TO
Rights of Way	12/20/11	12/20/10-107	CI APPROVED AS NOTED CI DISAPPROVED
Traffic Engineering			SIGNATURE 3
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<ul> <li>A series of the s</li></ul>		e as indicated) Signature	Does:your Agency recommend approval?
Agency	HER AGENCIES (Rout		If so, seal your response
Agency and Management, Zone	HER AGENCIES Rout		Does your Agency recommend approval? If so, seal your response
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Agency  and Management: Zone contractor's License Boar  which Health  P.A.	Date 09 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9	Signature  Signature	Hiso, seel your response  Hiso, seel your response  Approved a proposed.
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retmission is hereby given to the above work according to conditions hereon and according to approved plans and specifications that take uniform Building Code and Government Code of Guam.

APPLICATION AND PERMIT FOR C	LEARING & GF	PADING			
PERMITNUMBER 9 1000	162	rize E	- 1		4.0
LOCATION	ENG.	SOILS REPORT	Est. Quantity	Permit Fee Fee Re	ceived
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Located at ROUTE 17 & ROO	m 4 (	JOSEPHINA F	LORES ROAD	) YOUR	
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Owner: Suette Isla Developm	eut, In Addres	s: \$0,\$0% (D7	09 7AH 609	6931 Phone: 646-766	6
			Tugana Tugana	Phone: 649-41	9.94
Contractor: Suette Isla levelopm	eu (Traddres	s: 20 hox lo	1209 TAM	Phone: 646-76	66
License Number: CUB 10 - 06					
Date of Application:	n de la companya de La companya de la companya de l	Applicant:	at A	in for Dan, le	n Men
Application Revised By:			Date:	19	
TO THE APPLICANT: Permission is the approved plans and specification pertain niess a burning permit has been issued	ing thereto, subj	ect to compliance with	ding to the condition	ns hereon and according	
REMARKS: Not valid without the ap	proval of the Dej	partment of Public Wor	ks. / x		<del></del>
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	A Company of the state of the s	en e	Building Official Dep	artment of Public Works	
APPROVAL BY OTHER AGENCIES (	Route as indica	ated)			
AGENCY	DATE	SIGNATURE		COMMENTS	
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Guam Power Authority		4/			٠
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	I von F	-		vv.   Date:
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3				<u>.</u>
Owner: Suetle Isla Delelopm	ent In Address	: po, Box 102	09,784, 60969 Pho	31 646-7666
Engineer: C. T. CHIEM & ASSOCIA	مل Address	: Do, Box 6	193, TAH. Pho	one: 649-4196
Contractor: Suette Isla Nevelopu	neut The Address	: 70, Box 10	209 TAM Ph	one: <u>646-7666</u>
License Number: CLB 10-06				
Date of Application:	the contract of the	Applicant:	AT Chi	_ for pan, len Men
Application Revised By:	v	and the second s	Date	19
TO THE APPLICANT: Permission is approved plans and specification pertain unless a burning permit has been issue	ning thereto, subje	ect to compliance with	ding to the conditions Chapter 70 of the U.B	hereon and according to the C. No burning allowed on site
REMARKS: Not valid without the ap	pproval of the Dep	partment of Public Wo	rks.	
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	an Allen and a second a second and a second	All and the second seco		
APPROVAL BY OTHER AGENCIES	(Route as Indica	ated)		
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Dept. of Public Works		Many	C APPROVI C DISAPPR C RESUBM	DAENULU IXI
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		Car Ja.	(ROW) SIGNATURE	
		1		

Street Address: 590 S. Marine Corps Drive ITC Building, Tamuning, GU 96913



FELIX P. CAMACHO Governor of Guam

MICHAEL W. CRUZ, M.D. Lieutenant Governor of Guam

# DIPĂTTAMENTON MINANEHAN TĂNO' (Department of Land Management) GUBETNAMENTON GUAHAN (Government of Guam)



# 1993 GUAM GEODETIC NETWORK **CLEARANCE REQUEST**

CHRISTOPHER M. DUENAS Director

> MICHAEL C. JAMES Deputy Director

	REQUEST NO		DATE: 00 7,10		
Mailing Address:	(1) NAME/COMPANY: Surtle Isla	Development In	<b>C</b>		
P.O. Box 2950 lagátña, GU 96932	(2) MUNICIPALITY: YOUK	LOT/ROUTE NO	DACT-28231		
	(3) TYPE OF WORK: CLEAFIAL TH	GRADINH	ra iridi		
Website: ttp://dlm.guam.gov	(3) TYPE OF WORK: CLEAFING TO	( Mien / we Chie	PHONE NO.: (183-6168		
	(5) EST. START DATE: NOV 1, 701	EST. COMPLETION DA	TE: Oct 1, 7011		
E-mail Address:	NOTE: A 5' RADIUS CLEARANCE MUST BE ACKNO OF THE CONTROL MARK. EXCAVATORS DAMAG COSTS OF REPAIRING SAID DAMAGED MARKS. (I	ING MARKS WITHIN THE DESIGI	OR GRADING WITHIN THE LOCATION NATED AREAS ARE LIABLE FOR TH		
dim@mail.gov.gu	NOTE: IF A GGN MARK NEEDS TO BE RELOCATED CONTROL MARK (\$1500.00). (INITIAL:	THERE IS A COST TO REINSTATE A FITLE 21: GCA, Chapter 60, Sectio	AND COORDINATE THE GGN SURVE on 60519, Amended by PL 23-31		
	SIGNATURE:				
Telephone: I-649-LAND (5263)	TITLE 21: Guam Code Annotated, Chapter 60, Section 60519, Amended by PL 23-31				
	PENALTY: A PERSON MUST NOT, WITHOUT THE A 1993 GUAM GEODETIC NETWORK MARK. A PEN DAMAGES A 1993 GUAM GEODETIC NETWORK MA	ALTY OF \$5,000.00 WILL BE INC	URVEYOR, DESTROY OR DAMAGE A URRED IF A PERSON DESTROYS OF		
Facsimile: 671-649-5383	**************************************	FFICIAL USE *********	********		
	> APPROVAL STATUS: 🗹 APPROVE	D 🗖 DISAPPROVED 🗖 A	PPROVED WITH CONDITIONS		
	REASON(s):				
jec					
	TAKEN BY: VIA CAMACHO		10.7		
	(NAME)	(SIGNATURE)	10.7.10 (DATE)		

P. Hagá

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671-649





# BUILDING PERMITS AND INSPECTIONS SECTION BUILDING INSPECTION SCHEDULE

BUILDING SAFETY IS NO ACCIDENT

SUEITE ISL	A DEVELOPMENT		Building Permit No:	B1000097	7
<u> </u>	ISLA DEVELOPMET,	INC	<del></del>		
Location & Lot No:	SEPHINA FLRES RD	YUN13			
Schedule Date:	Time:		Received by	· 4 4/	
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	has been carried / 🗖 h	nas not been carried in	n compliance with the E	luilding Lav	v, Government of Guarr
Standards and Projects	plans and specification.				
Building Inspector	Carlotto .		APPROVED	o	DISAPPROVED
Electrical Inspector		Date	APPROVED	o	DISAPPROVED
Plumbing Inspector		Date	APPROVED		DISAPPROVED

1. BUILDING INSPECTOR'S COPY

3. OWNER'S COPY

INSTRUCTIONS: This form is to be prepared in three (3) copies, at the building permit reception counter, at least 72 hours in advance

2. ELECTRICAL INSPECTOR'S COPY

4. PROVIDE LOCATION MAP ON BACK SIDE OF WHITE & YELLOW COPIES

# FC BENAVENTE, PLANNERS

Planning, Zoning, Land Development Consulting, Permitting

127 Bejong Street, Barrigada, Guam 96913 Tel: 671.988.7911 <u>felouben@gmail.com</u>

February 1, 2015

Mr. Marvin Aguilar Chief Planner Department of Land Management Tamuning, Guam 96931

Subject:

Designation of New Company Representatives.

Hafa Adai Mr. Aguilar,

Please be advised that effective February 02, 2015 the following individuals are authorized representatives of the company on all matters related to all ARC and other related applications, typically regarding zoning, subdivisions, permits, et al.

1. Richard T. Sana

Principal Planner

2. Raymond C. Benavente

Associate Planner

3. Lourdes A. Benavente

General Manager

I will be on indefinite leave from the company effective immediately. I thank you for your usual courtesies and assistance.

Si Yu os Ma'Ase / lvc | Felix Q' Benavente

### ATTACHMENT B





MICHAEL J. B. BORJA Director

DAVID V. CAMACHO Deputy Director

Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

RAY TENORIO Lieutenant Governor

Governor

January 30, 2015

#### **MEMORANDUM**

To:

Chairman, Guam Land Use Commission

From:

Guam Chief Planner

Subject:

Staff Report - Application No. 2014-12

### 1. PURPOSE:

- **Application Summary:** The applicants, Ascencio R. and Leticia C. Vicente request for a Zone Change from "R-2" (Multi Family Dwelling) to "C" (Commercial) to construct and occupy a two-story office building on Lot 2146-1-A-3-1, Municipality of Tamuning
- **b.** Legal Authority: Sections 61630 to 61638 (Changes of Zones) of Chapter 61 (Zoning Law), Title 21, GCA (Real Property)

#### 2. FACTS:

- a. Location: The subject site is located along Paz Street directly across the western boundary of the Guam Premier Outlets shopping mall.
- b. Lot Area: 940 Square Meters or 10,114 Square Feet.
- c. Present Zoning: "R-2" (Multi Family) Zone
- d. Field Description: The site presently is fully developed with a concrete single family residential structure and a semi-concrete three unit residential structure (see Attachment 1).
- e. Masterplan: Residential-High Density

Mailing Address: P.O. Box 2950 Hagåtña, GU 96932

Website: http://dlm.guam.gov

E-mail Address: dlmdir@dlm.guam.gov

Telephone: 671-649-LAND (5263)

Facsimile: 671-649-5383



Continuation of Memorandum
RE: Staff Report - Application No. 2014-12
Zone Change-Lot 2146-1-A-3-1
Municipality of Tamuning
January 30, 2015
Page 2 of 5

- f. Community Design Plan: Medium-High Density
- g. Previous Commission Action: None

#### 3. APPLICATION CHRONOLOGICAL FACTS:

- a. Date Application Accepted: February 3, 2014
- b. Date Heard By ARC: February 20, 2014
- c. Public Hearing Results: Results of Public Hearing available on Attachment 2.

In response to the Public Hearing a position letter from the Tamuning Mayor's Office was received on January 9, 2015 referencing the Public Hearing held for application 2014-12 and noting that although there were concerns voiced regarding the heavy traffic flow and frequency of hauling rigs and large trucks utilizing the existing narrow roadway at high rate of speed, that there were no objections to the Zone Change and that they (Mayors) have no objections to the application for Zone Change.

#### 4. DISCUSSION:

This request is to rezone Lot 2146-1-A-3-1 from "R-2" (Multiple Dwelling) zone to "C" (Commercial) zone in order to locate a family owned and run engineering services office complex.

The proposal is to demolish an existing, semi-concrete, three unit residential structure and replaced it with a two story office building, an existing concrete residential structure on the site will also be utilize as an office space as part of the complex. The proposal is to provide all minimum requirements in reference to setbacks, height, parking, on-site storm water retention and landscaping.

Continuation of Memorandum

RE:

Staff Report - Application No. 2014-12 Zone Change-Lot 2146-1-A-3-1 Municipality of Tamuning January 30, 2015 Page 3 of 5

Pursuant to Section 61630 (Requirements For Changes) of Chapter 61 (Zoning Law) 21GCA, where it states; "The Commission may, with the approval of the Governor, change the zones established under this Chapter whenever it finds that the public necessity, convenience and general welfare justify such action".

The applicant in response for the Zone Change submits the following justification:

# Compatibility of the proposed project with adjacent and neighborhood developments as they exist;

The proposed office activities for engineering services is compatible with the existing nature of adjacent and neighborhood uses. The property adjacent to the north and east is Guam Premier Outlet Malls and Theaters. The west and south properties are predominantly higher density multifamily apartments and/or condominiums. We submit that this proposed zone change to commercial is not detrimental to the general public and is not incompatible with existing neighborhood developments and regulations as they exist.

# Intentions and purpose of the Zone Change request justifying public necessity, public convenience and general welfare.

There is a "necessity" for the proposed zone change and for continued engineering services to support construction growth in the local community; as well as the direct and ancillary support requirements for the ongoing and future military construction buildup projects on Guam. It is necessary for EPI to direct and locate the company's growing facilities toward the most appropriate property within their inventory. A re-zoning to commercial is a reasonable land use transition and fits within the planned growth and activities in this area of Tamuning.

The "public convenience" is enhanced by providing immediately available engineering services on Guam in a very accessible location. This location along Paz Street in Tamuning, provides public convenience so that, both public and EPI's clients will have easier access as well as services, and follow up service for these and other such services.

The "general welfare" is evident in the availability of new jobs, new public service opportunities, and a general increase in the revenue tax rolls for Guam. There is not anticipated to be significant negative impacts to the neighboring infrastructure services as the area is already adequately served by water, sewer, communications services, solid waste services, paved roads, and electrical power. The presently allowed density in the existing "R-2" zone on this property is 6 units, and the loss of these units to potential tenants is inconsequential. There is already a tremendous

Continuation of Memorandum

E: Staff Report - Application No. 2014-12 Zone Change-Lot 2146-1-A-3-1 Municipality of Tamuning January 30, 2015 Page 4 of 5

number of existing multi-family apartment rental units in this area, and other fee simple condominiums. The property's frontage on a major collector road readily makes it more appropriate for a commercial zone. We submit that the "C" zone change and its proposed uses, pose less stress in terms of population density, and therefore contribute to the furtherance of the general welfare of the community.

### 5. **STAFF ANALYSIS**:

We have reviewed the submitted non-opposing Position Statements from the ARC members, the results of the public hearing, the Mayor's "no objection" position letter, the applicants justification response to Section 61630 (Requirements for Changes) and the Master Plan and Community Design Plan which designates the area a High Density Residential, an urban-residential design which considers the growth of the community to become densely populated and anticipates related uses/activities to conveniently support growth, which is in line with the historical development of the area.

In addition, future land use plans such as the North and Central Guam Land Use Plan designate this area as a mixed use category which focuses on larger commercial centers and corridors, including commercial uses that require large sites which includes but are not limited to department stores, malls, office buildings, medical and other service uses, hotels/motels which qualifies the proposed zone change to be compatible with the proposed mixed use designation.

Furthermore, the issues brought forth during the public hearing in referenced to the use of the streets within the residential area by delivery trucks, light industrict vehicles and the flooding on Paz Street are existing condition and will continue to exist. What is being proposed by the applicant is to house a family-owned engineering service office, which we feel will not contribute into the flooding on the streets or surrounding properties by providing an on-site storm water retention system and will lessen the impact on the water and wastewater system.

The proposed use will also eliminate street side parking by providing an on-site parking area, lessen the 24/7 use of the access streets as demanded by a multifamily complex and provide an enhancement of the site by providing an appropriate landscaping and maintenance of the proposed establishment.

Based on the above, we find the proposed zone change request adequately justifies public necessity, public convenience and general welfare, that the application in form and context meets the requirements of the zone change criteria as cited in the Zoning Law and therefore proper that it be considered favorably by the Commission.

Continuation of Memorandum

Staff Report - Application No. 2014-12 RE:

Zone Change-Lot 2146-1-A-3-1

Municipality of Tamuning

January 30, 2015

Page 5 of 5

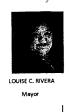
**RECOMMENDATION:** Planning staff recommends approval with the condition that 5. applicant adhere to the ARC Position Statement conditions and the permitting agencies requirements.

Marvin Q Aguilar Guam Chief Planner

Attachments:

**ARC Position Statement Summary** 

Case Planner: F. Taitano





# Office of the Mayor

**Municipality of Tamuning-Tumon and Harmon** 

Government of Guam Fromoting Peace and Control C

Department of Land Management Time 2:1 Inti



January 9, 2015

RE:

Ascencio & Leticia Vicente Represented by: Engineering Partners, Inc.

Lot 2146-1-A-3-1 Municipality of Tamuning 2014-12 Application for Zone Change

The Department of Land Management presented the above referenced application for Zone Change during a public hearing held at the Tamuning Senior Community Center on October 1, 2014. Both Vice Mayor Ken C. Santos and I were present.

Although concerns were voiced regarding the heavy traffic flow and the frequency of the hauling rigs and large trucks utilizing the existing narrow roadway at a high rate of speed, there were no objections to the Zone Change.

At this time, we have no objections to the Application for Zone Change and trust that as a result of the Zone Change, we will experience improvement in the narrow roadway and the current traffic conditions.

Sincerely,

LOUISE C. RIVERA

Mayor



CHANGE

OF COPE TAMENT SE

A SANGEN SE CITIZEN

## **ATTACHMENT 2 RESULTS OF PUBLIC HEARING**

On October 28, 2014, 6:10 P.M., a public hearing was conducted at the Tamuning Senior Citizen Center, present was the Mayor Louise C. Rivera, the Vice-Mayor Ken C. Santos, the applicant, Mr. Ascencio Vicente and his son Ryan Vicente and 12 public attendees. The applicant presented the proposed project and responded to questions and concerns from those present. Results are as follows:

Where is the location of the property? Question:

Response: Mr. Vicente responded explaining and indicating the location in reference

to the site plan.

Is the location of the property where a concrete house and a semi-Question:

concrete apartment is located?

**Response:** Mr. Vicente responded, yes, that is the location.

Is this the property located where there is flooding on the street on front of Question:

it?

Mr. Vicente responded that there is flooding along Paz Street, but the Response:

proposed development is to have an on-site storm water retention system

that will maintain all the storm water runoff on site.

Is this the property that is overgrown with vegetation? Question:

Mr. Vicente responded, yes that is the property, but with the new office Response:

that will be cleared for the building, parking and landscaping.

The meeting then centered on the following concerns/comments;

Presently the streets within the residential area are being used by delivery Concern:

trucks and vehicles with no concern to the safety of the children, the community even had speed bumps place on the streets and even that did not slow the traffic or the use of the streets by the delivery vehicles and

big trucks our concern is for the safety of the children and community.

No response Response:

If the zone change is approved and the proposed commercial building is Concern:

built, we are concern that the applicant could lease out the 2<sup>nd</sup> floor for a

separate office and not have enough parking.

Mr. Vicente responded that the intent is to locate their family business Response:

there and the available area for parking on site could only accommodate their business and a second business will not be possible for lack of

parking.

Concern:

If zone changes are allowed in this area it will be just like the area across San Antonio, behind Guam Tire, my uncle who lives in the area is consistently dealing with commercial and light industrial vehicles and equipment and that is what is happening here.

Response:

Mr. Vicente and case planner responded that the area behind Guam Tire is Light Industrial and the uses existing are supported by light industrial and commercial vehicles. What is proposed here is a family owned engineering service business which will not have commercial delivery or light industrial vehicles.

Comment:

That the existing issues concerning the use of the streets within the residential area by the delivery trucks and vehicles have being brought up to the Mayor and the government and he feels that whatever is brought forth during this meeting will just fall on deaf ears.

Comment:

The Vice Mayor commented that he was once at a Guam Land Use Commission meeting with some Tamuning residents to speak on an application before the Commission and they were not allowed to speak.

Response: I (case planner) responded that, the Commission as mandated by its adopted rules, regulations and procedures to conduct its public hearing, affords the general public the opportunity to speak before the Commission during the hearing process and, once that opportunity is closed, the hearing process, based on their mandate, moves forward to the next level of discussion.

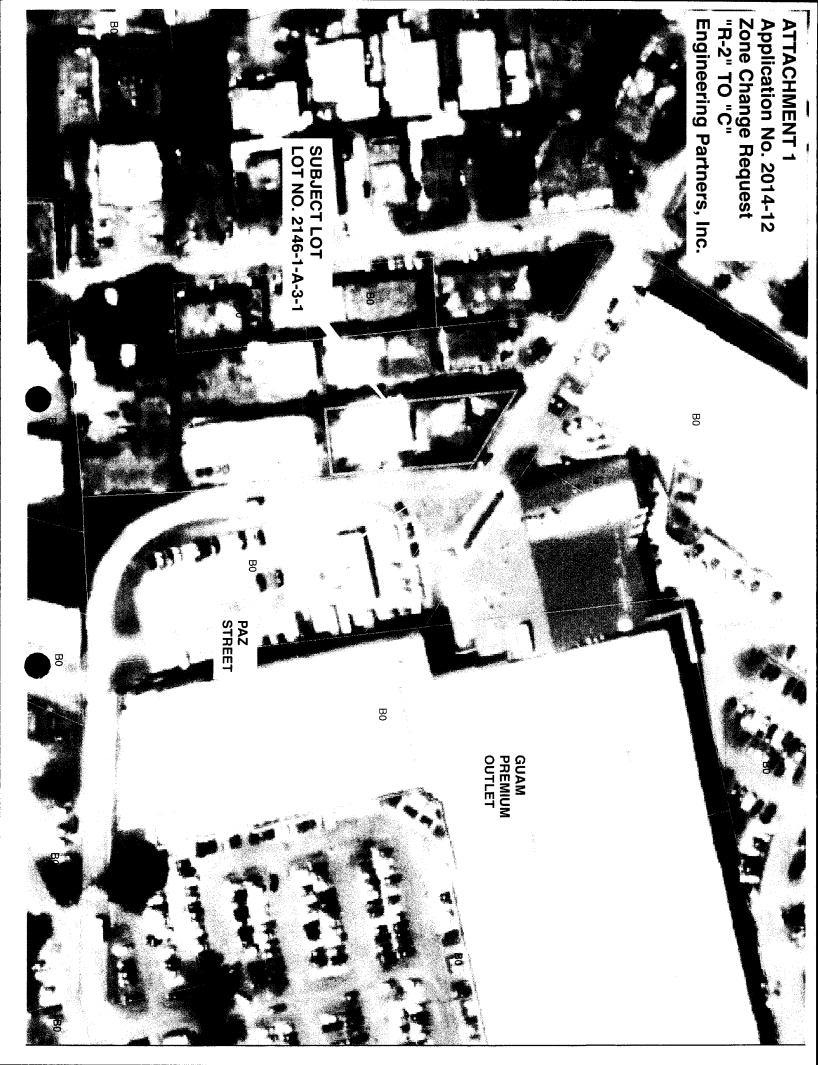
Comment:

The Mayor commented on the ongoing development issues that her office and her MPC is continuously addressing and informed the people in attendance that an MPC meeting is to be held the following week and invited those present to attend.

After a call for other question comments or concerns was not responded too, case planner noted that as requested by the Mayor the application will not be scheduled to be heard by the Guam Land Use Commission until Land Management receive a position letter or resolution from the Mayor and that, the applicant is aware of this requirement and will be following up on it.

In addition case planner recommended that those present attend the Municipal Planning Council (MPC) meeting so that all this existing issues in reference to safety and welfare could be forwarded as a unified effort by the community through the Mayor and its MPC, and maybe as a result people will listen.

With no other questions, concerns or remarks from the attendance the hearing was adjourned.





#### DIPĂTTAMENTON MINANEHAN TĂNO' (Department of Land Management) **GUBETNAMENTON GUĂHAN** (Government of Guam)



Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

EDDIE BAZA CALVO Governor

RAY TENORIO Lieutenant Governor MICHAEL J. B. BORJA Director

DAVID V. CAMACHO **Deputy Director** 

January 30, 2015

Mailing Address:

P.O. Box 2950 Hagåtña, GU 96932

Website: http://dlm.guam.gov Memorandum

To:

Guam Land Use Commission (GLUC) Members

From:

Chairman, Application Review Committee (ARC)

Subject:

Summary of Positions Submitted by ARC

Re:

Application No. 2014-12 (Zone Change)

E-mail Address: dlmdir@dlm.guam.gov

Listed below is the compilation of Positions taken by the various ARC member agencies as submitted to Planning Division, Department of Land Management, The conditions as imposed by the ARC member agencies are listed when applicable.

Telephone: 671-649-LAND (5263)

# **DEPARTMENT OF LAND MANAGEMENT (DLM):**

DLM recommends approval with the condition that applicant adhere to the ARC Position Statement conditions and the permitting agencies requirements.

Facsimile: 671-649-5383 GUAM ECONOMIC DEVELOPMENT & COMMERCE AUTHORITY (GEDCA): GEDCA has no objections.

# **BUREAU OF STATISTICS AND PLANS (BSP):**

The Bureau has completed its review of the subject application and finds the proposed zone change to be compatible with the proposed Mixed Use designation for the area in the proposed North and Central Guam Land Use Plan and also finds that the proposed zone change request to adequately justify public necessity, public convenience and general welfare and therefore recommends approval.

# **DEPARTMENT OF PARKS AND RECREATION (DPR):**

DPR has reviewed the subject project and has determined no historic properties will be affected by the zone change within the subject lot and has no objection to the approval of the zone change application.

Memo to GLUC Members Ref: ARC Position Statements - Application No. 2014-12 January 30, 2015 Page 2 of 3

## **DEPARTMENT OF PUBLIC WORKS (DPW):**

The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the requests provided the following conditions be in place:

- 1. Parking layout and parking stalls (compact ,standard and accessible stalls ) must meet the American Disability Act (ADA) requirements;
- 2. must provide proper setback requirements;
- 3. If the owner chooses to use GSWA disposal or any private services, the location of the trash bin container should be situated in an area that will not hinder the public rights of way; and
- 4. The design of the structure must incorporate the wind load velocity of 175 mph including the resistance to the seismic forces.

DPW recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with conditions that the complete set of design drawings must meet all the requirements in conformance with the latest building code applicable to all the engineering disciplines prior to issuance of building permit.

## **GUAM POWER AUTHORITY (GPA):**

GPA has no objection however customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:

- 1. Coordinate overhead/underground power requirements with GPA Engineering for new structures;
- 2. Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electric Code;
- 3. Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements;
- 4. Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection;
- 5. Provide scheduling and magnitude of project power demand requirements for new loads;

Memo to GLUC Members Ref: ARC Position Statements - Application No. 2014-12 January 30, 2015 Page 3 of 3

- 6. All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials;
- 7. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations;
- 8. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities;
- 9. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

## **DEPARTMENT OF AGRICULTURE (DoAg):**

Has not submitted Position Statement as of Staff Report date.

## **GUAM WATERWORKS AUTHORITY (GWA):**

Has not submitted Position Statement as of Staff Report date.

# **GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):**

Has not submitted Position Statement as of Staff Report date.

# **GUAM FIRE DEPARTMENT (GFD):**

Has not submitted Position Statement as of Staff Report date.

# DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):

Has not submitted Position Statement as of Staff Report date.

# **GUAM PUBLIC SCHOOL SYSTEM (GPSS):**

Has not submitted Position Statement as of Staff Report date.

# **DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):**

Has not submitted Position Statement as of Staff Report date.

Marvin Q. Aguilar Guan Chief Planner

Attachments: ARC Position statements CC: Executive Secretary, GLUC

Eddie Baza Calvo Governor of Guam





Government of Guam P.O. Box 2950 Hagåtña, Guam 96932 Tel: (671) 472-4201/3

Fax: (671) 477-1812

Lorilee T. Crisostomo
Director

Ray Tenorio
Lieutenant Governor

MR 1 9 2014

#### **MEMORANDUM**

To:

Chairperson, Guam Land Use Commission

Via:

Executive Secretary, Department of Land Management

From:

Director, Bureau of Statistics and Plans

Subject:

POSITION STATEMENT ON APPLICATION NO. 2014-12; LOT NO. 2146-1-A-3-1;

TAMUNING; ASCENCIO R. AND LETICIA C. VICENTE; ZONE CHANGE; PROPOSED

USE: ENGINEERING OFFICE.

The applicants, Mr. Ascencio R. and Mrs. Leticia C. Vicente, are requesting for a Zone Change from "R-2" multifamily residential to "C" commercial in order to construct a two-story building for their engineering office, Engineering Partners, Inc. (EPI). The engineering company is an existing company. However, it is their desire to relocate the business to this strategic location for the convenience EPI clients and the general public. The subject property is located along Paz Street and is west of the Guam Premier Outlets and theaters in Tamuning and has an approximate area of 10,000 square feet. Paz Street is a 60 feet wide access easement which connects directly to Chalan San Antonio Road. The surrounding land uses consist predominantly of multi-family dwellings and some scattered single-family dwellings and the Guam Premier Outlet establishment. All of the basic infrastructure such as water, power, sewer, telephone and cable are immediately available for the subject property.

To justify the zone change, the applicants stated that there is a public convenience and necessity due to its strategic location and due to the ongoing and future military construction buildup projects on Guam. The area will benefit from the convenience of an easily accessible engineering establishment where certain services are not available. Furthermore, with regard to the general welfare, the development will provide added employment opportunities and a general increase in the revenue tax rolls for Guam. The proposed zone change will also create a more stable community environment by providing for an orderly development scheme and the full improvements will ensure the general safety and welfare of the adjacent property owners as well.

The Bureau has completed its review of the subject application and finds the proposed zone change to be compatible with the proposed Mixed Use designation for the area in the North and Central Guam Land Use Plan. The Mixed Use category primarily focuses on larger commercial centers and corridors, including commercial uses that require large sites and draw customers from throughout the Island. Examples would include but are not limited to department stores, malls, office buildings, medical and other service uses, hotels/motels and restaurants. The Bureau finds the proposed zone change request to adequately justify public necessity, public convenience and general welfare and therefore recommends approval.

TERRY L CUABO

cc:

GEPA

**GWA** 

DPW

DPR

**GPA** 



# **GUAM POWER AUTHORITY**

## ATURIDÅT ILEKTRESEDÅT GUAHAN P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

March 10, 2014

#### **MEMORANDUM**

To:

Chairman, Guam Land Use Commission

Executive Secretary, Guam Land Use Commission

From:

General Manager

Subject:

Lots 2146-1-A-3-1, Municipality of Tamuning, (Ascencio R. and Leticia C. Vicente);

Zone Change Application from "R-2" (Multi-Family Dwelling) to "C" (Commercial) to

construct a two-story building for engineering office. Application No. 2014-12

Guam Power Authority has reviewed the application described above and submits the following position statement:

#### A. Comments and Recommendations Concerning GPA requirements:

- 1. GPA has no objection, however customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
  - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
  - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
  - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
  - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
  - Provide scheduling and magnitude of project power demand requirements for new loads.
  - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant
    including but not limited to labor and materials.
- 2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
- 3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.
- 4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

#### B. General Comments

GPA has no objection to the request subject to the conditions cited above.

JOAQUIN C. FLORES, P.E.

ASG/arp

#### INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: Guam Power Authority Applicant: Ascencio R. and Leticia C. Vicente Location: Lots 2146-1-A-3-1, Tamuning Type of Application: Zone Change GLUC/GSPC Application No. 2014-12

**Brief Project Description:** 

"R-2" to "C" to construct a two-story building for engineering office.

For the purposes of this Certification, GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE include, but are not limited to: power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.

1.	I hereby certify that the r INFRASTRUCTURE at Yes	e currently AVAILABI	L <u>e a</u> nd in pi	FACILITIES and ACE to support this	project:	
2.	If the answer to #1 abov I hereby certify that the INFRASTRUCTURE at	above is YES, then: at the required GOVERNMENT SERVICES, FACILITIES and JRE are currently ADEQUATE to support this project:				
	Yes [	No				
3.	If the required GOVERS place are <b>NOT AVAIL</b> , services, facilities and in are currently available a	ABLE or they are AVA  afrastructure that are need	ILABLE, BUT eded, the estima	T NOT ADEQUATE ated cost thereof and v	, itemize the whether funds	
	s, Facilities and	Cost of Upgrades	Funds	Date Available	Funds Identified	
Infrasti	ucture Needed		Available		Identified	
Please	see comments below					
···						

I hereby certify that the foregoing is true and correct to the best of my knowledge.

Comments:

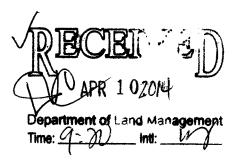
JOAQUIN C. FLORES, P.E. General Manager

Based on a preliminary inspection of the site, the electrical facilities <u>may</u> require upgrading to meet the demand of the proposed project. A system impact assessment maybe required to determine the effect of this facility on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.



The Honorable
Eddie Baza Calvo
Governor

The Honorable Ray Tenorio Lieutenant Governor





Carl V. Dominguez

Director

Jessie B. Palican

Deputy Director

April 07, 2014

**MEMORANDUM** 

TO:

Director, Department of Land Management

FROM:

Director

SUBJECT:

Position Statement No. 2014-12

Zone Change from "R-2" to "C" on Lot No. 2146-1-A-3-1, Tamuning

Buenas yan Hafa Adai!

The applicants, Ascencio R. and Leticia C. Vicente, who are also owners of Engineering Partners, Inc. (EPI) are requesting to open an Engineering office for the above subject lot. The existing tin roof tri-plex residential units will be demolished and will be replace to a new two storey concrete for the planned relocation. The existing concrete building will be converted into office use. The new location will provide ample parking and centrally located office more convenient to EPI's clients.

The above subject lot is a frontage property located in a busy area along Paz Street in Tamuning. The street is 60 feet wide access easement which connects directly to Chalan San Antonio Road. Adjacent to the property on the north and east side is the Guam Premium Outlet Mall and Theaters and along the west and south side are the existing two storey concrete apartment buildings. The property is approximately 10, 000.00 square feet.

The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the requests provided the following conditions be in place:

- parking layout and parking stalls (compact ,standard and accessible stalls ) must meet the American Disability Act (ADA) requirements;
- must provide proper setback requirements;
- if the owner chooses to use GSWA disposal or any private services, the location of the trash bin container should be situated in an area that will not hinder the public rights of way; and
- the design of the structure must incorporate the wind load velocity of 175 mph including the resistance to the seismic forces.

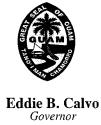
DPW recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with conditions that the complete set of design drawings must meet all the requirements in conformance with the latest building code applicable to all the engineering disciplines prior to issuance of building permit.

Should you have any questions, please contact Mr. John F. Calanayan, Acting Chief Engineer or Maryrose M. Wilson, Engineer III in the Division of Capital Improvement Projects (CIP) at 646-3189/3224.

Dangkulu na Si Yu'os Ma'ase!

CARL V. DOMINGUEZ

ARWilson: 4/04/14 cc: CIP- Acting COE Chrono



Ray Tenorio Lt. Governor

In reply refer to: RC2014-0423

#### **Department of Parks and Recreation Government of Guam**

490 Chalan Palasvo Agana Heights, Guam 96910 Director's Office: (671) 475-6296/7 Facsimile: (671) 477-0997

Parks Division: (671) 475-6288/9 Guam Historic Resources Division: (671) 475-6294/5

Facsimile: (671) 477-2822



Raymond F.Y. Blas Director

Department of Land Management

MAR 0 4 2014

Memorandum

February 24, 2014

To:

Executive Secretary, Guam Land Use Commission

From:

Director, Department of Parks and Recreation

Subject:

Application No.: 2014-012, Zone Change Lot 2146-1-A-3-1, Municipality of Tamuning

Applicant: Ascencio R. & Leticia C. Vicente; also Owners: Engineering Partners, Inc., Case Planner: Frank Taitano

We reviewed the subject project and have determined no historic properties will be affected by the zone change, within the subject lot. Therefore, we have no objection to the approval of this Zone Change Application.

If you have any questions, please do not hesitate to call us.

Raymond F.Y. Blas